

By: Representative Scott (80th)

To: Apportionment and Elections

HOUSE BILL NO. 1246

1 AN ACT TO AMEND SECTION 23-15-47, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO PROVIDE AN  
3 APPLICATION TO REGISTER TO VOTE TO PERSONS 18 OR OVER WHO ARE  
4 APPLYING FOR A DRIVER'S LICENSE; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 23-15-47, Mississippi Code of 1972, is  
7 amended as follows:

8 23-15-47. (1) Any person who is qualified to register to  
9 vote in the State of Mississippi may register to vote by mail-in  
10 application in the manner prescribed in this section.

11 (2) The following procedure shall be used in the  
12 registration of electors by mail:

13 (a) Any qualified elector may register to vote by  
14 mailing or delivering a completed mail-in application to his  
15 county registrar at least thirty (30) days prior to any election.  
16 The postmark date of a mailed application shall be the date of  
17 registration. The application shall be witnessed by one (1)  
18 qualified elector in the county of the applicant's residence. The  
19 name, address and, if available, the daytime telephone number of  
20 the person witnessing the application must be legibly written or  
21 printed on the application. The witness shall not be a candidate  
22 for public office as of the date of the execution of the  
23 application. Any applicant or witness is subject to the penalties  
24 provided in Section 23-15-17 for false registration. Any person  
25 who willfully swears falsely to any material matter on a mail-in  
26 application is guilty of perjury and, upon conviction thereof,  
27 shall be punished as provided in Section 97-9-61.



28           (b) Upon receipt of a mail-in application, the county  
29 registrar shall stamp such application with the date of receipt,  
30 and shall verify the application by contacting the applicant by  
31 telephone, by personal contact with the applicant, or by any other  
32 method approved by the Secretary of State. Within twenty-five  
33 (25) days of receipt of a mail-in application, the county  
34 registrar shall complete action on the application, including any  
35 attempts to notify the applicant of the status of his application.

36           (c) If the county registrar determines that the  
37 applicant is qualified and his application is legible and  
38 complete, he shall mail the applicant written notification that  
39 the application has been approved, specifying the county voting  
40 precinct, polling place and supervisor district in which such  
41 person shall vote. This written notification of approval  
42 containing the specified information shall be the voter's  
43 registration card. Said registration cards shall be provided by  
44 the county registrar. The registrar shall assign a voter  
45 registration number to such person, which shall be that person's  
46 social security number if such a number is provided, and said  
47 voter registration number shall be clearly shown on the  
48 application and on the written notification of approval. In  
49 mailing such written notification, the county registrar shall note  
50 the following on the envelope: "DO NOT FORWARD." If any  
51 registration notification form is returned as undeliverable, the  
52 voter's registration shall be void.

53           (d) A mail-in application shall be rejected for any of  
54 the following reasons:

55           (i) An incomplete portion of the application which  
56 makes it impossible for the registrar to determine the eligibility  
57 of the applicant to register;

58           (ii) A portion of the application which is  
59 illegible in the opinion of the county registrar and makes it



60 impossible to determine the eligibility of the applicant to  
61 register;

62 (iii) The county registrar is unable to determine,  
63 from the address and information stated on the application, the  
64 precinct in which the voter should be assigned or the supervisor  
65 district in which he is entitled to vote;

66 (iv) The applicant is not qualified to register to  
67 vote pursuant to Section 23-15-11;

68 (v) The registrar determines that the applicant is  
69 registered as a qualified elector of the county;

70 (vi) The county registrar is unable to verify the  
71 application pursuant to subsection (2)(b) of this section.

72 (e) If the mail-in application of a person is subject  
73 to rejection for any of the reasons set forth in paragraphs (d)(i)  
74 through (iii) of this subsection, and it appears to the registrar  
75 that the defect or omission is of such a minor nature and that any  
76 necessary additional information may be supplied by the applicant  
77 over the telephone or by further correspondence, the registrar may  
78 write or call the applicant at the telephone number provided on  
79 the application. If the registrar is able to contact the  
80 applicant by mail or telephone, he shall attempt to ascertain the  
81 necessary information and if this information is sufficient for  
82 the registrar to complete the application, the applicant shall be  
83 registered. If the necessary information cannot be obtained by  
84 mail or telephone or is not sufficient, the registrar shall give  
85 the applicant written notice of the rejection and provide the  
86 reason for such rejection. The registrar shall further inform the  
87 applicant that he has a right to attempt to register by appearing  
88 in person or by filing another mail-in application.

89 (f) If a mail-in application is subject to rejection  
90 for the reason stated in paragraph (d)(v) of this subsection and  
91 the "present home address" portion of the application is different  
92 from the residence address for the applicant found in the



93 registration book, the mail-in application shall be deemed a  
94 written request to transfer registration pursuant to Section  
95 23-15-13. Subject to the time limits and other provisions of  
96 Section 23-15-13, the registrar or the election commissioners  
97 shall note the new residence address on his records and, if  
98 necessary, transfer the applicant to his new precinct, advise the  
99 applicant of his new precinct, polling place and supervisor  
100 district, and notify the municipal clerk of any such changes on a  
101 monthly basis.

102 (3) The instructions and the application form for voter  
103 registration by mail shall be in the following form and shall  
104 contain the following information:

105 "INSTRUCTIONS FOR MAIL-IN VOTER REGISTRATION

106 1. Anyone may assist you in completing the enclosed  
107 application.

108 2. A registered voter of your county who is not now a  
109 candidate for public office must complete and sign the 'Witness  
110 Signature and Certification' portion of the enclosed application.

111 3. All required information must be supplied in legible  
112 form.

113 4. The completed application must be mailed or delivered to  
114 the registrar of your county at least thirty (30) days before an  
115 election in order for you to be registered for that election.  
116 Applications which are mailed must be postmarked thirty (30) days  
117 prior to any election.

118 5. The penalty for conviction of false registration is a  
119 felony punishable by a fine of not more than Five Thousand Dollars  
120 (\$5,000.00) or imprisonment for not more than five (5) years, or  
121 both."

122 "APPLICATION FOR VOTER REGISTRATION BY MAIL

123 STATE OF MISSISSIPPI

124 I, \_\_\_\_\_, hereby apply for registration as a  
125 voter of \_\_\_\_\_ County, Mississippi.



126 1. Full Name, including maiden name if you have one:  
127 \_\_\_\_\_ (First, Middle and/or Maiden, Last)  
128 2. Male \_\_\_ Female \_\_\_  
129 3. Please give your social security number: \_\_\_\_\_  
130 4. Date of Birth: \_\_\_\_\_ 4a. Age: \_\_\_\_\_  
131 5. Present Home Address:  
132 (a) \_\_\_\_\_ (Street and Number)  
133 \_\_\_\_\_ (City, State, Zip)  
134 (b) How long have you lived there?  
135 From \_\_\_\_\_ (month/year) to present.  
136 (c) Do you now live in a city or town of this  
137 county? \_\_\_\_\_ If so, which? \_\_\_\_\_  
138 (d) Telephone number, if available:  
139 (i) Home telephone number \_\_\_\_\_  
140 (ii) Daytime or work telephone number \_\_\_\_\_  
141 6. Mailing Address: Give your current mailing address if  
142 different from your present home address:  
143 \_\_\_\_\_ (Box or Street and Number)  
144 \_\_\_\_\_ (City, State, Zip)  
145 7. Previous Address: List your most recent address before  
146 your present address:  
147 \_\_\_\_\_ (Box or Street and Number)  
148 \_\_\_\_\_ (City, State, Zip)  
149 From \_\_\_\_\_ (month/year) to \_\_\_\_\_ (month/year)  
150 8. Last Registration: Have you ever registered to vote  
151 before in any other county in Mississippi or in any other state?  
152 \_\_\_\_\_ If yes, give the last place you were registered:  
153 \_\_\_\_\_ (City, County, State)  
154 9. Citizenship, Residence, Prior Convictions:  
155 (a) Are you a citizen of the United States? \_\_\_\_\_  
156 (b) Are you a resident of this state and county? \_\_\_\_\_  
157 (c) Have you ever been convicted of the crime of murder,  
158 rape, bribery, theft, arson, obtaining money or goods under false



159 pretenses, perjury, forgery, embezzlement, or bigamy? \_\_\_ If so,  
160 what State\_\_\_\_\_, County\_\_\_\_\_? Date of conviction\_\_\_\_\_.

161 10. Will you need assistance on election day?\_\_\_\_\_. If  
162 yes, for which of the following reasons: permanently physically  
163 disabled\_\_\_\_\_; other (please  
164 describe)\_\_\_\_\_

165 \_\_\_\_\_.

166 11. Applicant Signature and Certification:

167 I certify that I am at least eighteen (18) years old (or I  
168 will be before the next general election), that the above  
169 information given by me is true and correct and that I have truly  
170 answered all questions in the foregoing application for  
171 registration, and that I will faithfully support the Constitution  
172 of the United States and of the State of Mississippi, and will  
173 bear true faith and allegiance to the same.

174 Applicant sign here: \_\_\_\_\_

175 Date: \_\_\_\_\_

176 12. Witness Signature and Certification:

177 I certify that I am a registered voter in \_\_\_\_\_  
178 County, Mississippi, that I am not now a candidate for public  
179 office, and that the above named applicant signed this application  
180 for registration in my presence. I further certify that I have  
181 read the above application, and that the facts stated therein are  
182 true and correct to the best of my knowledge. I personally know  
183 the person who appeared before me or I have seen the person's  
184 identification. I understand that the penalty for knowingly  
185 procuring a person's registration who is not entitled to be  
186 registered, or is registered under a false name or in any other  
187 voting precinct than that in which he resides, is a fine of not  
188 more than Five Thousand Dollars (\$5,000.00) or imprisonment for  
189 not more than five (5) years, or both.

190 Witness sign here: \_\_\_\_\_

191 Full name and address of witness (Print):



192 Name: \_\_\_\_\_  
193 Address: \_\_\_\_\_ (Street and Number)  
194 \_\_\_\_\_ (City, State, Zip)  
195 Telephone number, if available:  
196 Home telephone number \_\_\_\_\_  
197 Daytime or work telephone number \_\_\_\_\_"

198 (4) (a) The Secretary of State shall prepare and furnish  
199 without charge the necessary forms for application for voter  
200 registration by mail to each county registrar, municipal clerk,  
201 all public schools, each private school that requests such  
202 applications, and all public libraries.

203 (b) The Secretary of State shall distribute without  
204 charge sufficient forms for application for voter registration by  
205 mail to the Commissioner of Public Safety, who shall distribute  
206 such forms to each driver's license examining and renewal station  
207 in the state, and shall inform all persons who are eighteen (18)  
208 years of age or older that they are eligible to register to vote  
209 and provide them with an application.

210 (c) Bulk quantities of forms for application for voter  
211 registration by mail shall be furnished by the Secretary of State  
212 to any person or organization. The Secretary of State shall  
213 charge a person or organization the actual cost he incurs in  
214 providing bulk quantities of forms for application for voter  
215 registration to such person or organization.

216 (5) The originals of completed mail-in applications shall  
217 remain on file in the office of the county registrar in accordance  
218 with Section 23-15-113. Nothing in this section shall preclude  
219 having applications on microfilm or microfiche.

220 (6) If the reply to question 5(c) above is affirmative, the  
221 county registrar shall forward notice of registration, a duplicate  
222 copy of the application for registration, and any changes to such  
223 registration when they occur, either by certified mail to the  
224 clerk of the municipality indicated in the present residence



225 address stated in answer to Question 5(c) above or by personal  
226 delivery to such clerk, provided that a numbered receipt is signed  
227 by such clerk in return for the described documents. Upon receipt  
228 of the copy of the application for registration or changes to such  
229 registration, and if a review of same indicates that the applicant  
230 meets all the criteria necessary to qualify as a municipal  
231 elector, then the clerk of said municipality shall register the  
232 applicant as a municipal elector and make a determination of the  
233 municipal voting precinct in which the person making the  
234 application shall be required to vote. The clerk shall send this  
235 municipal voting precinct information by United States first-class  
236 mail, postage prepaid, to such person at the address provided on  
237 the application. Any and all mailing costs incurred by the county  
238 registrar or the clerk of the municipality in effectuating this  
239 subsection shall be paid by the governing authority of such  
240 municipality. If a review of the copy of the application for  
241 registration or changes to such registration indicates that the  
242 applicant is not qualified to vote in said municipality, the clerk  
243 of said municipality shall deny such application and notify  
244 applicant.

245 (7) If the reply to Question 8 above is affirmative, the  
246 registrar or clerk shall send written notice of this new  
247 registration by regular United States mail to the registrar or  
248 clerk of the county stated in Question 8 as the voter's previous  
249 place of registration. The information shall include the complete  
250 name, address and age of the voter and shall include the social  
251 security number of such voter if it has been previously supplied.  
252 The election commission of the voter's previous place of  
253 registration shall be responsible for having such voter's name  
254 erased from the appropriate registration book and pollbook.

255 **SECTION 2.** The Attorney General of the State of Mississippi  
256 shall submit this act, immediately upon approval by the Governor,  
257 or upon approval by the Legislature subsequent to a veto, to the





258 Attorney General of the United States or to the United States  
259 District Court for District of Columbia in accordance with the  
260 provisions of the Voting Rights Act of 1965, as amended and  
261 extended.

262         **SECTION 3.** This act shall take effect and be in force from  
263 and after the date it is effectuated under Section 5 of the Voting  
264 Rights Act of 1965, as amended and extended.

